

1 MCGREGOR W. SCOTT
United States Attorney
2 JOSEPH B. FRUEH
Assistant United States Attorney
3 501 I Street, Suite 10-100
Sacramento, CA 95814
4 E-mail: joseph.frueh@usdoj.gov
Telephone: (916) 554-2702
5 Facsimile: (916) 554-2900

6 Attorneys for the United States of America

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9 IN THE UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
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12 AHN BAO VY HUYNH,

13 Plaintiff,

14 v.

15 SUTTER HEALTH; SUTTER ROSEVILLE
MEDICAL CENTER FOUNDATION;
16 NATHAN HALE ALLEN, M.D.; DOES 1-50,
INCLUSIVE,

17 Defendants.
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Case No.

NOTICE OF REMOVAL

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NOTICE OF REMOVAL

PLEASE TAKE NOTICE that the above-captioned action is hereby removed from the Superior Court of the State of California, County of Placer, to this Court. The grounds for removal are as follows:

1. Plaintiff Anh Bao Vy Huyhn filed a Complaint against Sutter Health, Sutter Roseville Medical Center Foundation, and Nathan Hale Allen, M.D., in Placer County Superior Court, Case No. SCV0043920. A copy of the Complaint and the state court docket is attached hereto as **Exhibit A**. The Complaint seeks damages for alleged medical malpractice.

2. The above-captioned action must be removed to this Court pursuant to 42 U.S.C. § 233(c) because the Complaint arises from the performance of medical functions by deemed employees of the Public Health Service acting within the course and scope of such employment. A Certification of Course and Scope of Employment attesting to the foregoing, duly executed by the Chief of the Civil Division of the United States Attorney's Office, is attached hereto as **Exhibit B**.

3. This Court has jurisdiction over civil actions for money damages for injury allegedly caused by the negligent or wrongful act or omission of an employee occurring in the course and scope of his or her employment with the Public Health Service. 28 U.S.C. § 1346(b); 42 U.S.C. § 233(a).

4. Removal is timely under 42 U.S.C. § 233(c) because no trial has commenced in Placer County Superior Court Case No. SCV0043920.

5. No bond is required pursuant to 42 U.S.C. § 233(c) and 28 U.S.C. § 2408.

WHEREFORE, the above-captioned action pending in the Superior Court of the State of California, County of Placer, Case No. SCV0043920, is hereby removed to the United States District Court for the Eastern District of California.

Dated: August 31, 2020

Respectfully submitted,

McGREGOR W. SCOTT
United States Attorney

By: /s/ Joseph B. Frueh
JOSEPH B. FRUEH
Assistant United States Attorney

Attorneys for the United States of America